



**RESOLUTION OF THE DELAWARE AND RARITAN CANAL COMMISSION 2020-02:
ALTERNATIVE USE FOR MONIES DEPOSITED IN
DRCC MITIGATION ACCOUNT #4875-009**

WHEREAS, The Delaware and Raritan Canal Commission (Commission) approved a project (DRCC #05-3250) to permit Public Service Electric and Gas Company (PSE&G) project to erect an 85-foot high steel monopole within the boundaries of the Delaware and Raritan Canal State Park in Franklin Township, Somerset County, in the vicinity of the 5-Mile Lock access area, with overhead 69Kv and 13Kv conductors that would cross the Delaware and Raritan Canal south of the lock and canal park access area, and north of Interstate Highway Route No. 287; and

WHEREAS, Among the conditions of the certificate of approval issued on January 18, 2006, which in turn was subsequently modified by a stipulation of settlement between the Commission and PSE&G in 2008, was that PSE&G would deposit \$275,000 into a dedicated account from which the Department of Environmental Protection (DEP) Division of Parks and Forestry would construct “a new pedestrian access to the Park towpath in Franklin Township, Somerset County, or a project of similar scope in the Commission’s sole discretion”; and

WHEREAS, The above referenced mitigation monies were deposited in a mitigation account designated (#4875-009), which were partly expended in 2013 for the preparation of a study to assess the available alternatives for the construction of a new pedestrian bridge over the canal at Easton Avenue and John F. Kennedy Boulevard in the vicinity of Block 259, Lots 75 and 76, respectively, in Franklin Township, Somerset County; and

WHEREAS, The construction of proposed pedestrian bridge was ultimately deemed by the Commission to be infeasible due to right-of-way acquisition, engineering, jurisdictional, fiscal and operational reasons, which became apparent over the ensuing years; and

WHEREAS, The Commission adopted a motion at its February 19, 2020 meeting to solicit proposals from sponsor municipalities, counties, non-profit/advocacy environmental or historic preservation advocacy organizations, or partnerships involving such government units and organizations for an alternative project or projects to the proposed pedestrian bridge, for which the monies deposited in account #4875-009 might be expended in support of the Delaware and Raritan Canal State Park and in furtherance of the goals set forth in the Commission Master Plan; and

WHEREAS, The Commission recognizes that in light of current staffing and the impact of the COVID-19 state of emergency and public health emergency, it would be prudent to confer the

responsibility for the administration of any project or projects for any individual mitigation project approved by the Commission using monies deposited in account #4875-009 to the DEP Office of Resource Development, which possesses the requisite expertise to administer construction projects within the Delaware and Raritan Canal State Park; and

WHEREAS, The Commission intends that the Commission contribution to any individual project proposed by a sponsor municipality, county, non-profit/advocacy environmental or historic preservation advocacy organization, or partnerships involving such government units and organizations shall not exceed \$71,000; and that this amount may be in addition to any monies or in-kind donations of labor or materials proposed by the project sponsors and awarded on a matching basis, subject to a review of the cost estimates for the project, which shall be submitted by project sponsor and reviewed and approved by the Commission; and

NOW THEREFORE, BE IT RESOLVED:

1. The Delaware and Raritan Canal Commission shall solicit proposals for projects, the Commission contribution to which shall not exceed \$71,000, which the monies deposited in mitigation account #4875-009 may be expended, consistent with the conditions set forth in the certificate of approval for DRCC #05-3250 and the Stipulation of Settlement between the Commission and PSE&G dated November 29, 2007.
2. The Executive Director of the Commission shall be authorized to effectuate the transfer of monies in mitigation account #4875-009 from the Commission to the DEP Office of Resource Development as may be necessary to implement the provisions of this resolution.
3. That a copy of this resolution, signed by the Chairman and attested by the Secretary, be transmitted to DEP Assistant Commissioner for Management and Budget, the Acting Director of the Division of Parks and Forestry, and the Administrator of the DEP Office of Resource Development.



John Loos, Vice Chairman

I hereby certify the foregoing to be a true copy of the resolution adopted by the Delaware and Raritan Canal Commission at their meeting of August 19, 2020.

A handwritten signature in black ink, appearing to read "John Hutchison". The signature is written in a cursive style with a long horizontal stroke at the end.

John Hutchison, Secretary